

### **REMARKS**

The Office Action dated July 16, 2009, has been reviewed and carefully considered. Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

With entry of this Amendment, claims 1, 3, 5, 9, 12, 18, 21-31 and 33 are pending in this application, of which claim 33 is new. Claims 1, 9, 30 and 33 are independent. Claim 4 has been cancelled by this Amendment. Claims 1, 5, 9, 21, 22, 23, 26 and 28 are amended.

In addition to Applicant's discussion of claim amendments below, Applicant wishes Examiner to note that claim 22 has been amended to now correctly recite the step of "generating" rather than "obtaining" in line with claim 1, claim 26 has been amended to improve clarity, and claim 28 has been amended to now correctly recite a "transparent carrier" rather than a "transparent layer" in line with claim 9.

Applicant notes with appreciation that claims 9, 12 and 25-31 are allowable.

### **Objection to claim 1**

The Examiner objected to claim 1 due to a missing space between the words "image" and "of". Claim 1 has been amended to add the necessary space. Therefore, Applicant respectfully requests that the objection to claim 1 be withdrawn.

### **Claims 5, 21, and 23 stand rejected under 35 U.S.C. 112**

Claims 5, 21 and 23 stand rejected by the Examiner under 35 U.S.C. 112 second paragraph as being indefinite and failing to point out the subject matter which applicant regards as the invention.

The Examiner states that claims 5, 21, and 23 lack proper antecedent basis for “the reconstructed diagnostic image”. Claims 5, 21, and 23 have been amended to delete the word “reconstructed” whereby proper antecedent basis now exists. Reconsideration and withdrawal of the rejections are respectfully requested.

#### **Allowable Subject Matter**

Applicant notes with appreciation that claim 4 has been objected to as being dependant from a rejected claim but would be allowable if rewritten in independent form including all of the limitations of the base claim an any intervening claims. Applicant has amended claim 1 to include the limitations of claim 4, and claim 4 has been cancelled. However, please note that Applicant has further amended claim 1 in order to remove limitations that are unnecessary in view of the now-included limitations of claim 4. In addition, the wording of the last step of the method has been changed from “extracting” to “detecting” in order to more accurately reflect the action that is performed. A few additional amendments were made in order to improve clarity. In view of what the Examiner cited as the reasons for allowance of claim 4 (if rewritten...), Applicant respectfully submits that these additional amendments do not negate the patentability of claim 1 that now includes the limitations of claim 4. Therefore, Applicant respectfully submits that claim 1 is in condition for allowance. Claims 3, 5, 21-24 depend, directly or indirectly, from claim 1 and, therefore, are also in condition for allowance, at least by virtue of their dependency on an allowable base claim.

It should be noted that the Applicant has not addressed each rejection of the dependent claims. Any rejection of a dependent claim not specifically addressed is not to be construed as an

admission by the Applicant of the correctness of that rejection. Rather, the Applicant believes that the independent claims are patentably distinguishable over the cited references, so that the rejection of the dependent claims need not be addressed at this time. Applicant reserves the right to specifically address the rejection of any dependent claim at a later time should that become warranted.

Applicant notes with appreciation that claim 9 is allowable. Please note that Applicant has amended claim 9 to improve clarity and to remove unnecessary limitations. In addition, “filter mask” has been changed to “filter image” in line with the wording used elsewhere in the patent application. In view of what the Examiner cited as the reasons for allowance of claim 9, Applicant respectfully submits that these additional amendments do not negate the patentability of claim 9. Therefore, Applicant respectfully submits that claim 9 is in condition for allowance. Claims 12 and 25-29 depend, directly or indirectly, from claim 9 and, therefore, are also in condition for allowance, at least by virtue of their dependency on an allowable base claim.

### **Summary and Conclusion**

In view of the above, it is respectfully submitted that claims 1, 3, 5, 9, 12, 18, 21-31 and 33 are patentable and that the present application is in condition for allowance. A Notice of Allowance for the claims in this application is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

This response is being filed within the three-month statutory response period which expires on October 16, 2009. The Commissioner is authorized to charge any fee required under 37 C.F.R.

§§ 1.16 or 1.17 to deposit account no. 14-1270.

Respectfully submitted,

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Note: The Commissioner is authorized to charge any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 14-1270.